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THE
PROCEEDINGS
OF THE
VICE-CHANCELLOR
AND
UNIVERSITY of CAMBRIDGE
AGAINST

Dr. BENTLEY, *K*

Stated and Vindicated.

In a Letter to a Noble Peer.



L O N D O N,

Printed for James Bettenham at the Crown in Pater-
Noster-Row, 1719. (Price Six Pence.)

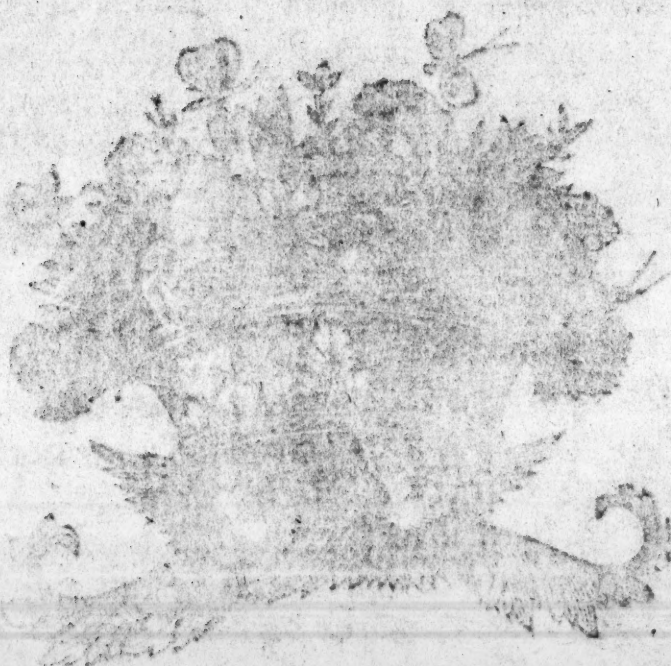
PROCEEDINGS

OF THE
JACOB CHAMBERLAIN

A. D.

UNIVERSITY OF CAMBRIDGE

PHILIP BAKER



L O N D O N

Printed for James Butterworth at the Crown in
Hobart-Road 1719. (Price Six Pence)



THE
PROCEEDINGS
 OF THE
VICE-CHANCELLOR, &c.
In a LETTER to a Noble P E E R.

Cambridge, October 27. 1718.

MY LORD,

IN answer to Your Lordships Request, I sit down to give you some account of Dr. *Bentley's* Case; and the Expectation of his bringing our Vice-Chancellor, or the University, or both, to answer for their Proceedings, before the Higher Powers. Your Lordship observes, with how much Scurrility the Vice-Chancellor and Heads of the University, and every Member who voted against the Doctor, are treated by the Writer of the Letters in the publick Prints; yet your Lordship will be so far from expecting that I should return any such Usage to the Doctor, or his Friends, that I know you have too great a sense of Decency and good Manners to forgive me, if I shou'd.

The

The University of *Cambridge* (the Case is the same at *Oxford*) has been possess'd time out of mind of a Jurisdiction over its own Members, not only in Points of Discipline and Correction, but in personal Pleas; so that all Matters of Debt, and Contracts, and Bargains, whatever between Scholar and Scholar, or between Scholar and any other Person, arising within the Limits of the Universities Jurisdiction, are determinable within the Chancellor's Court. This Court has been confirmed and established by almost as many Charters, as we have had Kings in *England* since the Conquest; but the last, and the fullest, was granted by Queen *Elizabeth*, and was followed by an Act of Parliament, which confirmed and ratified the Queens Charter, and all OTHER Charters granted by her Royal Progenitors, Kings of *England*.

This Privilege has been ever highly valued among us; not only as such, but as necessary to the very Being and Preservation of the University: For do but consider, My Lord, what a Case we should be in, if a Tutor were liable to be called to the Courts above, and to run thro' the Forms of Law, for every Debt contracted by his Pupils, or every Difference arising among the Scholars themselves, or among the Scholars and People of the Town. The Reason of the Case is so strong, that not only the Universities, but, as I am informed, most Corporations in *England*, have a Right to hold Pleas in personal Contracts, &c. within themselves; and that there is not a Fair in the Kingdom, but has a Court incident to it, to determine Matters arising in it upon the Spot, to prevent the intolerable Burthen which otherwise wou'd lie upon the Subject, if Persons meeting together at a Fair, from distant Parts of the Kingdom, were to repair to the Courts in *Westminster-Hall*, to have their Market Bargains and Differences heard and determined. I mention this to shew your Lordship that the Privilege granted to the Universities of holding Courts within themselves, is not a thing so peculiar to us, that it ought to be envied by our Fellow-Subjects, as if it exempted us from common Subjection to the Laws of our Countrey, but that it is a Privilege common to us and other corporate Bodies, and founded not in mere Partiality to the Universities, but upon wise and solid Reasons, and such as have obtained the like Privilege for other Bodies throughout the Kingdom.

When you reflect, my Lord, how necessary and indeed essential to our very Being this Privilege is, you will not be surprized to be told how very jealous the University has been in all Times of all Attempts to hurt or impair it. This Jealousy runs through all our Statutes from the ancientest Times, and there are no severer Punishments than those ordained against the Impugners and Violaters of the Jurisdiction of the University, and the Authority of her Courts and Judges. As the Court itself is of a mixt Nature, and has both Civil and Ecclesiastical Jurisdiction, so the Punishments in this Case provided are of both Kinds. One of our oldest Statutes, and which is still in force, expresses it thus. *Si quis de Universitate Jurisdictionem Cancellarii contemnens propriam vel alienam injuriam cum deliberatione vel ex intervallo vindicaverit, &c. si monitus ad arbitrium Cancellarii vel Universitatis satisfacere*

tisfacere noluerit cum effectu, infra triduum ab Universitate expellatur; cæteris pœnis juxta privilegia, consuetudines, & statuta malefactoribus imponendis, eisdem malefactoribus infligendis. And in the same Statute it follows; *Contra Cancellarii quoque prohibitionem coluctantes & alias sibi inobedientes & contumaces cum super hujusmodi SECUNDUM MODUM UNIVERSITATIS fuerint convicti, sine differentiâ personarum simili pœnâ coerceantur, si hoc meruerit protervitas contumacium.* In another Statute of like Antiquity we read thus; *Item excommunicamus & excommunicatos denunciamus omnes perturbatores pacis Universitatis Cantabrigiæ, ac etiam omnes & singulos privilegia libertates seu consuetudines ejusdem Universitatis approbatas & consuetas indebitè & malitiosè impugnantes, &c.* And again, we find in the same Body of Statutes, in what manner they are to be dealt with who obstruct the Jurisdiction; *Judicis jurisdictionem impediētes excommunicentur.*

I will not trouble your Lordship with more Quotations from our Statutes, which are full of this Matter: But since the Author of the Letter in St. James's Post October 23. thinks fit to intimate, that there is not *so much as the Appearance of any Statute for the Power of degrading*; I beg leave to lay before you part of another Statute full in this Point. The Title of it is, *Ne Clerici ad Forum laicale trabantur.* The View of the Statute is to prevent and punish all Attempts in the Members of the University to decline the University Jurisdiction; it decrees therefore, that not only all who actually prosecute others in other Courts, but likewise, that all who do *alios in hac parte quomodolibet vexare*, shall stand excommunicated, till they make full Satisfaction: And they are to make Satisfaction in two respects, (which I rather take notice of, because it shews the Ground of the Senate's Interest in these Matters,) to the Party vexatiously molested, and to the University *cujus Jurisdictio fuerit usurpata vel impedita*: And it farther declares that every Offender of this kind be *à quocunque actu & honore Doctorali, Magisteriali, seu Scholastico alienus habeatur extunc & exclusus.*

Upon this Foundation Your Lordship will be better able to judge of the present Affair: Dr. Bentley acquaints the Publick, that the original Cause had relation to a Fee paid him as *Regius Professor*; this is so far true, that the Doctor wou'd not have pretended, I believe, to this Fee if he had not taken himself to be *Regius Professor*; but then 'tis equally true, that this Fee cou'd not be so much as *claimed* by him as *Regius Professor*: The King's Professor has a Salary appointed him, and paid by *Trinity-College*, and has no manner of Claim or Pretence to any Fee whatever for any thing that he does or can do as Professor. This Fact I will venture to say you may depend on: So may you on this other, that considering him as Father of the Inceptors in Divinity (in which Capacity only he cou'd pretend to *any* Fee) he had no Right to four Guineas or any Part of that Sum, by any Statute or Custom of the University, it was an arbitrary Demand, begun by himself, supported by Threats and Violence; and he might just as well have claimed ten Guineas as four; as he publickly declared indeed to the Vice-Chancellor and Heads twelve Months ago, that if they pretended to contradict him

in taking four, he wou'd insist on ten, or there shou'd be no Doctors in Divinity created. It wou'd be too long a Story to tell Your Lordship now, upon what Grounds Dr. *Bentley* calls himself *Regius Professor*, or to set forth by what violent Methods he seized the Chair, in opposition to those, who had the right of Election, and in direct contradiction to the Charter of Foundation, which excludes the Master of *Trinity* from being Professor, for very good Reasons; and, among others, this is a very substantial one, That the Charter constituting a *Regius Professor*, appoints the Master of *Trinity*, in many cases, to be the Professor's Visitor, in such manner, that without him others, concerned as Visitors, can do nothing: But I shall pass by this Matter, because 'tis very probable, that the Doctor's present Endeavours will render it necessary to open this whole Scene before a proper Authority.

Well then; suppose him to be *Regius Professor*.

About a Year agoe His Majesty was pleased to Honour the University with His Royal Presence; and, according to ancient Usage in such Cases, the University had an extraordinary Commencement, and conferred Degrees in all Faculties, upon the Persons named by His Majesty. In Divinity there were many promoted to be Doctors; who, according to Custom, applied to the Professor to be Presented and Created: Dr. *Bentley*, besides the usual (and therefore statutable) Fee for Presenting and Creating, demanded of each Four Guineas; complaint of this was brought before the Vice-Chancellor and Heads; who were of opinion, that the Professor had no such Right. Upon this, Dr. *Bentley* (supposing there could be nothing done without him) declares, none of the Doctors shou'd Commence; that the Vice-Chancellor or Heads shou'd not judge of his Demand; and that if any questioned his Right to Four Guineas, he wou'd insist on Ten. Here then was at first setting out a Renunciation of the University Jurisdiction, in a Cause, which in every view, was subject to their Jurisdiction, and to theirs only. Many of the new Doctors, who had a great way home, considering, that to go home and to come again, when this Demand shou'd be determined, for their Degrees, wou'd be a Loss greater than Four Guineas, complied, and were Presented and Created; and others, that they might not lose their Seniority, complied likewise; tho' they did it with difficulty: and therefore Dr. *Bentley*, going on to refuse Submission to the University, gave promissory Notes to some of them to return their Money, if ever the Cause shou'd be determined against him by the King or his Secretaries. I am not sure that I am exact in the Form, for I have not seen any of these Notes; but that they excluded the University Jurisdiction, I am sure from all Accounts. Now this was such an Overt Act of that Crime, which our Statutes declare punishable with the greatest Severity; that I think it had been, together with his Speeches and Declarations to the same effect, in the Senate-House before the whole University, a sufficient Ground to have proceeded against him. And had the Offence been then laid hold on, and the Punishment since inflicted by the Senate, been at that time decreed against him, the University wou'd have been so justifiable in their Proceedings, that the Doctor must have torn our Constitution up by the Roots, before he cou'd have had any Redress, but
from

from a proper Behaviour and Submission on his own part. That he was not proceeded against, I do, for my self, verily believe, to be owing to a Tenderneſs in the Governours of the Univerſity, who were unwilling that any Diſpute ſhou'd ariſe, from the happy Occaſion of His Majeſty's Preſence among us, they foreſaw (what Experience has now confirmed) that every thing of this kind wou'd be charged as a Mark of Diſaffection; they knew how certainly ſome wou'd make the Charge, and how eaſily others wou'd receive it. They ſat down therefore with a Tameneſs, of which I deſie the Doctor and his Friends, to give a like Inſtance ſince the Foundation of the Univerſity.

But nothing being done in Conſequence of Dr. *Bentley's* promiſory Notes, and there being no likelihood of a Determination from the Court, where (by all I can learn) there was no Inclination to take hold of a Cauſe ſo peculiarly under the Jurisdiction of the Univerſity; ſome of the Sufferers began to complain, and Dr. *Middleton* many Months ago declar'd, that if he had not his four Guineas return'd, he wou'd commence a Suit againſt the Doctor in the Vice-Chancellor's Court. The Letter in the *St. James's Poſt* October 18th, charges our Vice-Chancellor with being in the Concert to bring Diſgrace on Dr. *Bentley*, and as having the *chief Hand* in this *Deſign*: A Suggeltion ſo unworthy, and (as I believe) ſo falſe, that nothing can exceed it, and the Doctor himſelf, if he pleaſes, is beſt able to juſtify the Vice-Chancellor. The Vice-Chancellor's Proceedings ſhew the quite contrary to what is charg'd on him; Dr. *Middleton* apply'd to him for a Decree many Weeks, (I think Months) before he cou'd obtain one: In the meant while, the Vice-Chancellor apply'd to Dr. *Bentley*, and not once or twice, but often deſir'd him to put an end to this Cauſe, and not to permit it to come to a publick Hearing; and he had ſo far prevail'd on him once, that (as Dr. *Bentley's* Friends here aver) he ſent the four Guineas to the Vice-Chancellor to be diſpos'd of as he thought fit: But the Vice-Chancellor not being at Home, all went back again: And where-as it is ſuggelted that the Vice-Chancellor ſaid, *That if ever Dr. Bentley's Caſe came before him, he wou'd condemn him*; I have reaſon to ſuſpect that this muſt ariſe from what the Vice-Chancellor ſaid to the Doctor himſelf in Friendſhip, when he preſs'd him to make up the Cauſe: And if it does, it is a ſad inſtance of the Effects of Paſſion.

But at laſt the Vice-Chancellor told Dr. *Bentley* plainly, that he cou'd not in juſtice any longer deny a Decree, and that if he was reſolved to do nothing himſelf, he wou'd grant one: Then Dr. *Bentley* threw in his way the Objection from the neceſſary Concurrence of Nine Heads to grant an Arreſt againſt any Doctor, or Head of a College: Upon this the Vice-Chancellor calls a Meeting of the Heads, the Objection is propos'd and conſider'd, the Statute examin'd; and they declare that they ſee no ground for ſuch a Privilege in Caſes of this nature; and to prevent any ſuch Pretence to the obſtruction of common Juſtice, they declare themſelves ready to give Authority (if it was wanted) to grant ſuch a Decree: This was afterwards put into Form and ſign'd by nine Heads. This Objection being over, the Vice-Chancellor, that he might be wanting in no Reſpect, or even in Civility to Dr. *Bentley*; he wrote him

him a Letter to acquaint him with what was done, and to desire him once more to consider whether he wou'd end this Cause himself before a Decree issu'd: In answer to this Letter Dr. *Bentley* comes to the Vice-Chancellor, expostulates with him in very high Terms, and among many other very indecent Expressions, told him at his own House, *That he wou'd not be judg'd by him and his Friends over a Bottle*, meaning the Heads who had been in a Consultation with the Vice-Chancellor upon his Affair. So that whilst he thought nine Heads cou'd not be had (many being out of Town) to join with the Vice-Chancellor, so long their Authority was necessary, but after they had join'd, their Authority was nothing, they were the Vice-Chancellor's *Bottle Friends*, and he wou'd submit to none of them. This appears to me after the best Enquiry I can make, to be a just and true Account of our Vice-Chancellor's Conduct in this Affair to the time of granting the Decree; and I refer it to Your Lordship, or even to any Man of common Reason to judge whether here is any thing that looks like a Man acting in concert to bring Disgrace on Dr. *Bentley*.

But to go on; After this Usage, and after all hopes of Dr. *Bentley's* doing any thing to put an end to the Cause were over, the Vice-Chancellor granted his Decree; and it was put into the Hands of the Beadle, who is the proper Officer to serve it on such Occasions. What Dr. *Bentley's* Behaviour was when he was served with the Decree of the Vice-Chancellor, Your Lordship shall have in the Words of the Beadle's Deposition which he deliver'd upon Oath.

The BEADLE'S Deposition.

“ **O**N *Tuesday* the 23^d of *September*, I waited on Dr. *Bentley*, and
 “ told him I had Orders from Mr. Vice-Chancellor to arrest
 “ him at the Suit of Dr. *Middleton*; he asked me why I came so late,
 “ that he had expected me all the Afternoon, designing to write by the
 “ Post to the King about it; I told him I brought it soon after I re-
 “ ceived it. Well, said he, 'tis illegal and unstatutable, and I will not
 “ obey it; let me see your Arrest, are there nine Heads to it? I told
 “ him I could not part with it because it was my Authority: Well,
 “ said he, you shall have it again, only let me peruse it; then he took
 “ it, and said it signify'd nothing, because there was not the Consent
 “ of nine Heads; and added, that the Vice-Chancellor us'd him worse
 “ than he would any common Doctor of the Town, that the Vice-
 “ Chancellor was not his Judge, *and that he should find*, the King a-
 “ lone was his Judge, as he was his *Regius Professor*; that the Vice-
 “ Chancellor should not think that he would be concluded by what he
 “ and four or five of his Friends determin'd against him over a Bottle,
 “ that they acted foolishly, calling an Arrest, and a Summons to his
 “ Court the same thing, and that if he gave Bail or went to Prison he
 “ satisfy'd the Law; I told him, I thought that was only in part, and
 “ then ask'd him for my Arrest; he said, I might leave it with him,
 “ but that he wou'd give it me whenever I call'd for it, or wanted it,
 “ and so we parted.

“ The

“ The next Day in the Morning I went and demanded it of him, he
 “ said he had farther occasion for it; and could not part with it; I told
 “ him he broke his Word and Promise with me, and press’d him to re-
 “ store it: Well, well, said he; you shall come to no Damage by it; and
 “ he added, that he would give it me when *Friday* was over; I said,
 “ he dealt uncivilly by me, and would put me upon Difficulties; but
 “ he absolutely refus’d to do it, and so I went off; and going to the
 “ Vice-Chancellor, told him what Usage I had met with; he told me
 “ I must get another Decree, which I did from Mr. *Cooke* of *Magda-*
 “ *len’s*, but when I went with it to Dr. *Bentley’s* he wou’d not see
 “ me, and I was refus’d admittance.

“ On *Thursday* *September* the 25th, about two of the Clock, Mr. *Simpson*
 “ and I went together to Dr. *Bentley’s*, into the Room where they dine,
 “ the Company was just gone out, and after a little time Mr. *Simpson*
 “ left me, and went to the Vice-Chancellor’s; not long after Dr. *Ashen-*
 “ *hurst*, Mr. *Lisle*, and Mr. *Witton* came in to me, Mr. *Lisle* ask’d me
 “ what Authority I had to stay in another Man’s House against the
 “ Master’s Leave; I said, I was not to give him an Account: He said,
 “ he believ’d I cou’d not justify it; I then ask’d him, why he did not
 “ turn me out; well, said he, if you want your Arrest, I will give it
 “ you, and have Orders to tell you, you shall come to no Damage so
 “ far as a Hundred Pounds go; I said, if Dr. *Bentley* wou’d give it me
 “ I would thank him, but wou’d receive it from no other Hand; they
 “ stay’d some time longer with me, and then going out, Dr. *Ashen-*
 “ *hurst* said, well, Mr. Beadle, if you wou’t go out of the Room, I’ll
 “ lock you in, which he did, but soon after return’d and open’d it;
 “ a while after this, the Master’s Servant came in and desir’d I would
 “ go away; I told him, I had Orders to stay longer; on which he said
 “ he was commanded to lock the Door, and the Doors on both sides
 “ of the Room were lock’d upon me for two Hours at the least; after
 “ six of the Clock I knock’d, and the Door was open’d to me, not long
 “ after which Mr. *Simpson* came and call’d me away.

“ Upon *Saturday*, *September* the 27th at Night, I went again to
 “ Dr. *Bentley’s*, Mr. *Witton* came out and ask’d my Business; I told
 “ him, I came to speak with Dr. *Bentley* from the Vice-Chancellor;
 “ he came out again and said the Doctor was busie, and had nothing
 “ to say to me; I told him, I wanted my Decree, he came out the
 “ third time and brought it in his Hand; I said, I would not receive
 “ it but from the Doctor himself as he had promis’d; he said, the Do-
 “ ctor knew I came to compleat the Arrest, and would not then be
 “ seen by me, and that I must not think he wou’d be arrested when I
 “ please, but that three or four Days hence perhaps he would consent
 “ to it. *Edward Clarke.*

Edwardus Clarke Bedell. Arm. Jurat Dept’ in præ Script. esse
vera Juram’to ei delat’ per me Robertum Grove, cui Dm’.
Procanc. Potestat’ dedit Juram’tum in hac parte deferend’
Ita, Test. Robertus Grove Not. Publicus
Acad. Cant’ Reg’.

Your Lordship will observe that Dr. *Bentley* peremptorily pronounces the Vice-Chancellor's Decree to be *illegal* and *unstatutable*; and declares, that *he will not obey it*; adding, that the *Vice-Chancellor was not HIS Judge*; which is follow'd with a great Threatning to the Vice-Chancellor, *and that he shall find*: So sure did he make himself from the beginning that he should be supported in his Disobedience to the Jurisdiction of the University: Tho' I assure Your Lordship we do not in this Place conclude from these big Words that the Doctor had any Encouragement from his and our Superiors to treat the Judge and Jurisdiction of our Courts in the manner he has done. But this is not all, he once more renounces Obedience to the Vice-Chancellor in Terms of great Reproach to him and the Heads; *The Vice-Chancellor must not think that he wou'd be concluded by what He and four or five of his Friends determined against him over a Bottle*. Pray consider this Expression; the Circumstance here added of their *being over a Bottle* is very indecent and rude; but the great Contempt and Indignity lies in the Suggestion, that the Vice-Chancellor and Heads had *determined against him*, even before the Decree for his Appearance was served on him. How wou'd this be endured in the Case of any other Judge? What must become of a Man, who shou'd affirm of any other of the King's Judges, that they came *determined against* a certain Man before his Cause was heard? If this in the present Case can be justified, or even excused, then is the University unfortunate indeed, since of all the Courts in the Kingdom hers is the only one that may be safely despised, contemned, and trampled on; her Judge the only one whose Office ought not to skreen him from Contempt and reproachful Censure. But why do I expostulate? Surely there is not a Man of Sense in the Kingdom who will vindicate such Behaviour.

The next thing observable in the Deposition is, that Dr. *Bentley* got the Decree from the Beadle, under Pretence of reading, and upon Promise of returning it again, and then put it in his Pocket, and absolutely refused to deliver it back: And when the Beadle appear'd concerned that he had so unwarily parted with the Decree, being conscious that he shou'd give but an ill Account of himself to the Vice-Chancellor, the Doctor encourages him to despise the Vice-Chancellor, and tells him *he shall come to no damage*; which was not said by chance, for afterwards on another Occasion he had the same Encouragement from the Doctor delivered in a Message by Mr. *Lisle*, who acquainted him, that *he had Orders to tell him, that he shou'd come to no damage as far as an 100 l. went*. So that first the Doctor by a very unfair Art (to say no worse) gets the Decree into his Possession; then try's to corrupt the Officer, and to encourage him in not doing his Duty, by a Promise to bear him harmless, and names how far he wou'd go, to an 100 l. Your Lordship is better acquainted with our Laws and the Practice of them, than I pretend to be; and pray, my Lord, what Name wou'd any other Court give to such tampering with one of their Officers? What wou'd my Lord Chief Justice say to one who should get his Warrant out of the Officer's Hands, and then to ease the Officer for his Negligence promise to support him against the King's Bench? I suppose that in *common Law* this would be reckoned a great Contempt, in *common Sense* I am sure 'tis so.

Hitherto

Hitherto the Beadle was not ill used in his Person; but when it appear'd that he was not manageable, but that he persisted in demanding the Decree; then a new Scene opens; instead of good Words and Promises of an 100*l.* to secure him from Damage, he is made a Prisoner and lock'd up. The first who turned the Key upon him was Dr. *Asphenhurst*, tho' I suppose it is not his ordinary Business to lock up the Lodge: Soon after he returns and opens the Door; soon after which a Servant of the Master comes and locks the Door again. I take it for granted now the Defence for all this, is to be; that any Man may lock his own Doors, or may order his Servant to do it; tho' the true Design was to impound the Officer of the Court, and nothing else was thought of when Dr. *Asphenhurst* locked the Door; but when that was done they began perhaps to consider how to justify it; in order to which it was thought, I presume, more proper that a *Servant* of the Master's should shut the Doors upon the Officer; for he wou'd act a natural Part in shutting up his Master's House: Dr. *Asphenhurst* therefore comes to unlock the Door; a Servant soon follows to lock it again: But will such a thin Disguise cover an Action of this Nature, when all the Circumstances so plainly speak the true Sense and Meaning of it?

Your Lordship has observ'd in the Beadle's Deposition, that a second Decree was granted by the Vice-Chancellor, in order to bring the Doctor into Judgment, upon his having possess'd himself of the first; I am therefore to give Your Lordship an account what became of it. Mr. *Clarke* the Beadle attended several times to serve it, and what Usage he met with you have seen in his own Words; it was afterwards put into the Hands of another of our University Beadles, who serv'd it on the Doctor, upon which he gave Bail for his Appearance. And this Circumstance is insisted on in behalf of the Doctor as a cure for all that passed before, as that which made him *rectus in Curia*, and wiped away all the Contempt shewn to the Jurisdiction and Judge of the University, and all the Violence and Vexation offer'd to the Officer of the Court in the Discharge of his Duty. But, My Lord, if it shall be made evident to you, that, notwithstanding the Doctor put in Bail for his Appearance, yet he did not appear at the Court Day, this Circumstance, I suppose, will pass for an Aggravation, and not for an Excuse or Justification of his Offence. The Truth is, that Mr. *Lisle*, (one of the Proctors of our Court) *now* affirms, that he was order'd by Dr. *Bentley* to appear for him, and was in Court for that purpose; and for any thing that I know *certainly* to the contrary, he might inform the Court of it: Be that as it will; yet this was no Appearance. Our Statute is very expresse that no Man can appear in our Court by his Proctor, who does not first appear in Person, (unless it be in case of Sickness) and desire the Judge to assign him a Proctor, and it is to be presum'd, that Dr. *Bentley*, who has himself been Judge of this Court (tho' I think he hardly ever came at it) at least 'tis certain that Mr. *Lisle* who has practis'd as a Proctor of the Court near four Years cou'd not be ignorant of this Matter: But I shall have occasion to mention this Circumstance again, when I have the Honour to inform Your Lordship of the Proceedings of the Vice-Chancellor and the University.

It will take up a little time to transcribe the Passages from our Statutes, which must necessarily be sent to enable you to judge in this Affair. But I hope within a Post or two to give Your Lordship a satisfactory Account.

In the mean time, I cannot help expressing my Indignation to You, at seeing the rude Manner, in which His Grace the Duke of Somerset, our Chancellor, is treated. When the Doctor informs the World publicly, that there is a Report that His Grace is to act a Part *beneath* (as we are told) *His Honour and Dignity*, 'tis a poor Salvo to add, that he does not *give credit to it*. And when, in his Zeal to charge the Vice-Chancellor, he sets him forth as *attempting* to involve His Grace in *those Difficulties which his Violence has brought upon himself*, he shews what an Opinion he has of His Grace's Abilities; who, I assure Your Lordship, is too well *known*, and too much *esteemed* here, for any Vice-Chancellor to *dare* to attempt to *involve* Him in any Action *beneath His Honour and Dignity*: And in this particular Case, He has acted a Part so fuitable to His Own and the *Universities Honour*, that this Place will ever retain Sentiments of the highest Respect towards Him.

But indeed, the Doctor pays as little respect to his *new Patrons*, as he does to his *old* ones, when he endeavours to insinuate his Cause into their Favour, by telling them, that if such a POWER BE ALLOWED, as has been executed in his Case, it will enable a Vice-Chancellor to *discourage all Opinions* that do not suit with his Scheme. What Opinions the Vice-Chancellor has Power to restrain and discourage, Your Lordship shall have in the Words of our Statute. *Prohibemus ne quisquam in concione aliquâ, in loco communi tractando, in lectionibus publicis, seu aliter publicè infra Universitatem nostram, quicquam doceat, tractet, vel defendat contra Religionem, seu ejusdem aliquam partem in Regno Nostro publica auctoritate receptam, & stabilitam, aut contra aliquem statum, auctoritatem, dignitatem seu gradum vel ecclesiasticum vel civilem hujus Nostri Regni Angliæ vel Hiberniæ*. You see, my Lord, that the Vice-Chancellor has Authority to restrain no Opinions but such as are *contrary to the Religion establish'd, and the Form of Ecclesiastical and Civil Government*. And the Doctor has given a broad Hint what use he wou'd make of the Professor's Chair, if he may be but deliver'd from the Fear of the Vice-Chancellor. But this Insinuation is so opprobrious to the honourable Persons, whom he and his Friends here publicly name as the Espousers of his Cause, that I shall not explain it for fear of making my self a Sharer in the Crime of the Author.

But what Your Lordship informs me of is still more surprizing, that he is making Application to the King and Council in this Cause. How is it possible? Can it enter even into Dr. Bentley's Head to appeal to that *very Board* to protect him in his Contempt of the *University Authority*, where there has been an Appeal lodged for *many Months* against *himself*, for his great *Abuse of Authority* in *Trinity-College*: Does the Doctor think that Honourable Board has Leisure to attend to his Complaint, which, according to his own Account, can relate only to the legal Methods of our Proceeding; the Cause it self being such, that I dare venture to say, he will not appeal to any Court upon the Merits of it.

I am, My Lord, &c.